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Ms. MacDowell presented the Finance and Claims Committee Reports for the regular meeting of April 13, 2004 and the special meeting of April 20, 2004.

Mr. Roe explained Item 3s of the supplemental F&C agenda of April 13, 2004 as a contract for replacement of passenger vehicles that are past retention age. The State is not obligated to purchase these vehicles and they will only be purchased with available budgeted dollars. The contract was competitively bid and there will be no growth in the MDOT vehicle fleet. MDOT has decreased their fleet by 154 vehicles and the Department supports this contract.

Mr. Keenan asked if this was an authorization to purchase the vehicles with restricted trunkline funds.

Mr. Roe said yes.

Mr. Isom said Executive Directive 2003-7 was not addressed at the committee level. He said he would like to refer this back to the Committee to assure that this purchase is in compliance with Executive Directive 2003-7 and Executive Directive 2003-18.

Mr. Keenan asked Mr. Isom if he had advised MDOT of the situation.

Mr. Isom said he had just learned of the situation.

Mr. Keenan asked if this was a set up and said Mr. Isom shouldn't wait until the last minute to mention matters like this. He said Mr. Isom had an ethical obligation to advise his client as soon as possible.

Mr. Isom said this would have been a DMB contract and his office would not have been consulted on it.

Mr. Keenan asked if this was an attempt to "mess with" MDOT.

Mr. Isom said the language is specific – this can't be done unless there is a change to the executive directive.

Mr. Keenan asked whether this could be approved contingent upon review.

Mr. Isom said it needs to go back to the committee.

Ms. Wolenberg said this item did go through the Finance and Claims Committee and she was uncomfortable with it going back to committee.

Mr. Isom said the language is plain – the executive directive needs to be amended to purchase vehicles.

Mr. DeBano moved that Item 3s of the supplemental F&C agenda of April 13, 2004 be referred back to the F&C Committee. Mr. Isom supported the motion, but it failed after aye votes by Mr. DeBano and Mr. Isom and nay votes by Ms. MacDowell, Mr. Fox, Mr. Keenan, Ms. Wolenberg, and Mr. Roe.

After review and discussion of the forgoing Finance and Claims Committee Reports, Ms. MacDowell moved that the Finance and Claims Committee Reports covering the regular meeting held April 13, 2004 and the special meeting held April 20, 2004 be approved and adopted. Ms. Wolenberg supported the motion, and it passed after aye votes by Ms. MacDowell, Mr. DeBano, Mr. Fox, Mr. Keenan, Ms. Wolenberg, and Mr. Roe, and 1 abstention by Mr. Isom on Item 3s only of the supplemental F&C agenda of April 13, 2004.